

Application S/N 10/808,323
Amendment Dated: November 30, 2005
Response to Office Action dated: July 28, 2005

CE11172JI019

REMARKS/ARGUMENTS

Claims 1-14 remain pending in the application. In the Office Action, claims 1-4, 7-12 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,799,264 to Plummer (Plummer). In addition, claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer in view of U.S. Patent No. 6,321,070 to Clark, et al. (Clark). Finally, claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer.

A brief summary of the Plummer reference may be helpful here. Plummer describes a speaker system that includes a housing and a speaker mounted in the housing. An acoustical filter for intercepting and reradiating sound waves is mounted in front of the cone of the speaker. The acoustical filter includes a frame having a central aperture and two membranes mounted to the frame covering the aperture and having a resonant frequency of vibration. A plurality of slots are formed in the frame next to the aperture. A dispersion grid for increasing the special angular dispersion of sound waves generated by the speaker is mounted in front of the frame (see Abstract and FIG. 1). This dispersion grid is maintained in a spaced, parallel relationship with respect to the acoustical filter by a set of spacers (see col. 4, lines 8-11 and FIG. 1).

Independent claims 1 and 14 recite the feature of the flexible sealing element providing an acoustic seal between the cover and the inner housing when the cover engages the inner housing. Plummer simply does not illustrate, teach or even suggest such a concept. In particular, the Examiner has equated the damping ring 29 of Plummer with the flexible sealing element of the present invention, the circular opening 12 of the housing 11 in Plummer with the inner housing of the present invention and the

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dispersion grid 31 of Plummer with the cover of the present invention. Applicants respectfully disagree that the damping ring 29 of Plummer provides an acoustic seal between the circular opening 12 and the dispersion grid 31 when the dispersion grid 31 is mounted to the housing 11. Specifically, the dispersion grid 31 is secured to the frame 22 by a set of spacers 32 and is maintained in a spaced relationship with the acoustic filter 21 (see col. 4, lines 8-11). That is, there is no acoustic seal between the acoustic filter 21 and the dispersion grid 31. Such a design is not suitable for the problem that the present invention solves, because audio would leak out between the acoustic filter 21 and the dispersion grid 31, even if this configuration could be implemented in a handset.

In addition, dependent claim 11 recites the feature that the flexible sealing element includes an edge, and the edge engages the first cavity wall with the second sealing interference fit and the plate is secured to the first cavity surface. As can be seen in FIG. 1 of Plummer, the damping ring 29 does not engage, touch or contact the opening 12 or any other part of the housing 11.

In view of the above, Applicants submit that independent claims 1 and 14 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing

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the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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